



January 25, 2002

SENATE BILL No. 407

DIGEST OF SB 407 (Updated January 23, 2002 11:31 AM - DI 104)

Citations Affected: IC 20-10.1; IC 21-2.

Synopsis: School air quality. Requires the state department of health (department) to establish an indoor air quality in schools program, to set indoor air quality standards, and to inspect the air quality of schools if the department: (1) has received a complaint about the quality of air in the school; or (2) determines that an inspection is needed in order to determine compliance with the air quality standards. Allows schools to use capital projects funds for compliance if the costs of compliance are at least \$25,000.

Effective: July 1, 2002.

Miller, Craycraft, Gard

January 10, 2002, read first time and referred to Committee on Health and Provider Services.

January 24, 2002, amended, reported favorably — Do Pass.

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SB 407—LS 7214/DI 107+



January 25, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 407

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-10.1-33 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]:

4 **Chapter 33. Indoor Air Quality in Schools**

5 **Sec. 1. As used in this chapter, "school" refers to a:**

6 (1) public; or

7 (2) nonpublic;

8 school.

9 **Sec. 2. (a) The state department of health shall adopt rules**
10 **under IC 4-22-2 to do the following:**

11 (1) Establish an indoor air quality in schools inspection and
12 evaluation program to inspect and evaluate the indoor air
13 quality of schools in Indiana.

14 (2) Set minimum standards for indoor air quality in schools,
15 including standards that concern the following:

16 (A) Radon levels in the water and in the air.

17 (B) Potential for exposure to bioaerosals.

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(C) Chemical compounds that affect indoor air quality, including volatile organic compounds.

(D) Pest infestation, including insects and rodents.

(E) Pesticide usage.

(F) Removal of hazardous substances.

(G) Ventilation systems.

(H) Plumbing, including water distribution systems, drainage systems, and fixtures.

(I) Building structural elements, including roofing, basements, and slabs.

(J) The use of space, particularly areas designed to be unoccupied.

(b) The state department of health shall:

(1) inspect a school for which the department:

(A) has received a complaint about the quality of air in the school; or

(B) determines that an inspection is needed in order to determine compliance with the minimum standards adopted under subsection (a); and

(2) report the results of the inspection to:

(A) each school's principal;

(B) the Indiana state board of education; and

(C) the appropriate local or county board of health.

(c) If a school does not meet the minimum standards adopted under subsection (a), the school shall remedy the air quality problem not more than sixty (60) days after the school's principal receives the report under subsection (b).

Sec. 3. If the cost of contracting for architectural and engineering design services for new school construction and school renovation is more than five thousand dollars (\$5,000), the contract must provide for compliance with the minimum standards adopted under section 2(a) of this chapter.

SECTION 2. IC 21-2-15-4, AS AMENDED BY P.L.240-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A school corporation may establish a capital projects fund.

(b) With respect to any facility used or to be used by the school corporation (other than a facility used or to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (i)), the fund may be used to pay for the following:

(1) Planned construction, repair, replacement, or remodeling.

(2) Site acquisition.



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(3) Site development.

(4) Repair, replacement, or site acquisition that is necessitated by an emergency.

(c) The fund may be used to pay for the purchase, lease, repair, or maintenance of equipment to be used by the school corporation (other than vehicles to be used for any purpose and equipment to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (i)).

(d) The fund may be used for any of the following purposes:

(1) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:

(A) Computer hardware.

(B) Computer software.

(C) Wiring and computer networks.

(D) Communication access systems used to connect with computer networks or electronic gateways.

(2) To pay for the services of full-time or part-time computer maintenance employees.

(3) To conduct nonrecurring inservice technology training of school employees.

(4) To fund the payment of advances, together with interest on the advances, from the common school fund for educational technology programs under IC 21-1-5.

(5) To fund the acquisition of any equipment or services necessary:

(A) to implement the technology preparation curriculum under IC 20-10.1-5.6;

(B) to participate in a program to provide educational technologies, including computers, in the homes of students (commonly referred to as "the buddy system project") under IC 20-10.1-25, the 4R's technology program under IC 20-10.1-25, or any other program under the educational technology program described in IC 20-10.1-25; or

(C) to obtain any combination of equipment or services described in clauses (A) and (B).

(e) The fund may be used to purchase:

(1) building sites;

(2) buildings in need of renovation;

(3) building materials; and

(4) equipment;

for the use of vocational building trades classes to construct new buildings and to remodel existing buildings.

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(f) The fund may be used for leasing or renting of existing real estate, excluding payments authorized under IC 21-5-11 and IC 21-5-12.

(g) The fund may be used to pay for services of the school corporation employees that are bricklayers, stone masons, cement masons, tile setters, glaziers, insulation workers, asbestos removers, painters, paperhangers, drywall applicators and tapers, plasterers, pipe fitters, roofers, structural and steel workers, metal building assemblers, heating and air conditioning installers, welders, carpenters, electricians, or plumbers, as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

(1) the employees perform construction of, renovation of, remodeling of, repair of, or maintenance on the facilities and equipment specified in subsections (b) and (c);

(2) the school corporation's total annual salary and benefits paid by the school corporation to employees described in this subsection are at least six hundred thousand dollars (\$600,000); and

(3) the payment of the employees described in this subsection is included as part of the proposed capital projects fund plan described in section 5(a) of this chapter.

However, the number of employees that are covered by this subsection is limited to the number of employee positions described in this subsection that existed on January 1, 1993. For purposes of this subsection, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.

(h) The fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

(i) Money from the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

(j) Money from the fund may be used to comply with IC 20-10.1-33 if the cost of compliance is at least twenty-five thousand dollars (\$25,000).

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as second author and Senator Gard be added as coauthor of Senate Bill 407.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 407, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "every school" and insert "**schools**".

Page 2, line 14, after "inspect" delete "each" and insert "**a**".

Page 2, line 14, delete "in Indiana each year for" and insert "**for which the department:**

(A) has received a complaint about the quality of air in the school; or

(B) determines that an inspection is needed in order to determine".

Page 2, line 27, after "more" insert "**than**".

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 2. IC 21-2-15-4, AS AMENDED BY P.L.240-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A school corporation may establish a capital projects fund.

(b) With respect to any facility used or to be used by the school corporation (other than a facility used or to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (i)), the fund may be used to pay for the following:

- (1) Planned construction, repair, replacement, or remodeling.
- (2) Site acquisition.
- (3) Site development.
- (4) Repair, replacement, or site acquisition that is necessitated by an emergency.

(c) The fund may be used to pay for the purchase, lease, repair, or maintenance of equipment to be used by the school corporation (other than vehicles to be used for any purpose and equipment to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (i)).

(d) The fund may be used for any of the following purposes:

- (1) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:
 - (A) Computer hardware.
 - (B) Computer software.
 - (C) Wiring and computer networks.
 - (D) Communication access systems used to connect with computer networks or electronic gateways.

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(2) To pay for the services of full-time or part-time computer maintenance employees.

(3) To conduct nonrecurring inservice technology training of school employees.

(4) To fund the payment of advances, together with interest on the advances, from the common school fund for educational technology programs under IC 21-1-5.

(5) To fund the acquisition of any equipment or services necessary:

(A) to implement the technology preparation curriculum under IC 20-10.1-5.6;

(B) to participate in a program to provide educational technologies, including computers, in the homes of students (commonly referred to as "the buddy system project") under IC 20-10.1-25, the 4R's technology program under IC 20-10.1-25, or any other program under the educational technology program described in IC 20-10.1-25; or

(C) to obtain any combination of equipment or services described in clauses (A) and (B).

(e) The fund may be used to purchase:

(1) building sites;

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for the use of vocational building trades classes to construct new buildings and to remodel existing buildings.

(f) The fund may be used for leasing or renting of existing real estate, excluding payments authorized under IC 21-5-11 and IC 21-5-12.

(g) The fund may be used to pay for services of the school corporation employees that are bricklayers, stone masons, cement masons, tile setters, glaziers, insulation workers, asbestos removers, painters, paperhangers, drywall applicators and tapers, plasterers, pipe fitters, roofers, structural and steel workers, metal building assemblers, heating and air conditioning installers, welders, carpenters, electricians, or plumbers, as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

(1) the employees perform construction of, renovation of, remodeling of, repair of, or maintenance on the facilities and equipment specified in subsections (b) and (c);

(2) the school corporation's total annual salary and benefits paid

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by the school corporation to employees described in this subsection are at least six hundred thousand dollars (\$600,000); and

(3) the payment of the employees described in this subsection is included as part of the proposed capital projects fund plan described in section 5(a) of this chapter.

However, the number of employees that are covered by this subsection is limited to the number of employee positions described in this subsection that existed on January 1, 1993. For purposes of this subsection, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.

(h) The fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

(i) Money from the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

(j) Money from the fund may be used to comply with IC 20-10.1-33 if the cost of compliance is at least twenty-five thousand dollars (\$25,000)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 407 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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